



CITY OF DANBURY
155 DEER HILL AVENUE
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ZONING COMMISSION
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MINUTES
MAY 11, 2010

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The meeting was called to order by Chairman Robert Melillo at 7:30 PM.

Present were Anthony DiCaprio, Theodore Haddad Jr., Richard P. Jowdy, Alan Kovacs, Robert Melillo, Gary Renz, Terry Tierney and Alternates Elmer Palma and Patrick Venuti. Also present was Deputy Planning Director Sharon Calitro.

Absent were Ted Farah, Walter Hoo and Alternate Thomas Spegnolo.

Mr. Venuti led the Commission in the Pledge of Allegiance.

Chairman Melillo appointed Mr. Palma to take Mr. Farah's place and Mr. Venuti to take Mr. Hoo's place for the items on tonight's agenda.

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Mr. Haddad made a motion to table the acceptance of the March 23, 2010 minutes. Mr. Palma seconded the motion and it was passed unanimously.

Mr. Haddad led the Commission in the Pledge of Allegiance

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**PUBLIC HEARING:**

7:30 PM – Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 7.A. & 11.B.4.(d) of the Zoning Regulations. (Revise Floodplain Regulations per DEP mandate)

Mr. Renz read the legal notice regarding this petition. Chairman Melillo read the Planning Commission recommendation which was positive.

Deputy Planning Director Sharon Calitro spoke in favor of this petition. She briefly described the National Flood Insurance Program and said it is one of many managed by FEMA. She said that City's participation in this program allows residents to be eligible to obtain federally backed flood insurance. She explained what a floodplain permit is and how the floodplain is regulated. This falls under the jurisdiction of the Planning Commission, who reviews applications and actually issues floodplain permits. The City has had floodplain regulations since 1977 and has issued floodplain permits since 1982. We have been working off of FEMA maps that are from 1982. Most of the applications are requests to build in the floodway or on the floodplain. FEMA also makes rulings on amendments or revisions to their maps. When they do this, they issue letters of map amendment (LOMA) or letters of map amendment/revision (LOMAR), but that does not happen very often.

Mrs. Calitro explained that in December 2008 FEMA sent the City revised maps to be evaluated for correctness. In December 2009, we received a letter from FEMA stating that these new maps would become effective June 18, 2010. it was then that we discovered we were going to have to amend our Regulations in order to remain eligible to participate in the program. She said that the State DEP assisted all of the 169 municipalities in the State by reviewing their existing regulations and providing written comments on them. They made some suggestions as to things that needed to be changed and our amendments were prepared to comply with their new requirements. The proposed amendments were sent back to them for one more review. We got a letter from them yesterday saying that our proposed amendments meet their requirements.

She said that these changes affect the definitions in Sec. 2. Some new definitions were added and some others were moved to Sec. 7, where the floodplain regulations are located. The change to Sec 11 adds language that says that any variances to the requirements of Sec. 7 could make the cost of floodplain insurance be higher. This language was added to put people on notice of this fact. She said most of what was added is already in practice, we just didn't have it stated in the regulations. She said this has been a long process but the proposed regulations are much cleaner and easier to follow because they are all together. The considerations for approval have the statutory language in them. The reason for this is because the Statute was clearer than any other language we could come up with. She said they did not remove things from the existing language, they just retooled it. She said there were changes in the definition of a recreational vehicle because DEP wanted a specific definition to keep it separate from a mobile home. She said they also added language noting the circumstances when hydrologic analyses would be required. There was some discussion among the Commission members regarding what would happen if the City chose not to participate in the program.

Chairman Melillo asked if there was anyone to speak in opposition to this petition and there was no one.

Mr. DiCaprio made a motion to close the public hearing. Mr. Haddad seconded the motion and it was passed unanimously. Mr. DiCaprio then made a motion to move this matter to number one under the Old Business on tonight's agenda. Mr. Kovacs seconded the motion and it was passed unanimously.

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OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

Petition of the City of Danbury by Dennis I. Elpern, Planning Director to Amend Secs. 2.B., 7.A. & 11.B.4.(d) of the Zoning Regulations. (Revise Floodplain Regulations per DEP mandate)

Chairman Melillo said they had just heard this petition. He asked if anyone had any comments or discussion. Mr. DiCaprio made a motion to approve this petition it will enhance the health, safety and welfare of the citizens of Danbury and these changes are necessary per DEP mandate. Mr. Palma seconded the motion . Chairman Melillo did a roll call vote and the motion to approve was passed unanimously with eight AYES.

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There was nothing under New Business or Correspondence. The only thing under For Reference Only was a public hearing scheduled for May 25, 2010. Chairman Melillo asked if there was anything to discuss under Other Matters and Mr. Haddad said he would like to say a few words.

Mr. Haddad explained that he had sent the Zoning Enforcement Officer an e-mail regarding off-site real estate signs and had not heard anything in response. He said he then sent him another e-mail discussing all of the illegal signs that are up all over town and offering to go out and remove some of them. He said he then got a call from the secretary who said the Zoning Officer had said although he appreciated the offer of help, only he and his assistant are authorized to remove signs from public property. He suggested that Mr. Haddad send him the streets that he has seen these signs on and he will send his assistant out to take them down. Mr. Haddad then said that when he was Chairman of this Commission, they had discussed the possibility of instigating fines for illegal signage. At that time, the Commission was told by Corporation Counsel that they should not do that and they should let the Zoning Officer handle this. Mr. Haddad then said this situation is out of control, something needs to be done and he believes that fining people might be the answer. Several of the Commission members agreed and made similar comments. After some discussion, Chairman Melillo said that he would speak to Corporation Counsel and try to set up a meeting with her, Mr. Haddad, Mr. Elpern and himself to discuss their options in this situation.

At 8:30 PM with no further business to discuss, Mr. Haddad made a motion to adjourn. Mr. Palma seconded the motion and it was passed unanimously.